IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

AND
THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 24629 of 2004

Between:

Mr. Arjun Bajaj, S/o. Shantilal Bajaj,
R/o. Bombay, Rep. by GPA Naidu Sandeep Reddy,

S/o. Naidu Varda Reddy, aged about 30 Years,
General Manager, Palm Beach Hotel, Beach Road, Visakhapatnam.

..... PETITIONER

AND

Municipal Corporation, Rep. by Commissioner, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the attachment notice dated 21-12-2004 issued by the respondent corporation as arbitrary, illegal, and opposed to directions issued by the Hon'ble High Court and consequently direct the respondent not to attach the property belonging to the petitioner.

Counsel for the Petitioner: MR.T.S.ANAND

Counsel for the Respondent: MR.T.S.VENKATA RAMANA

The Court at the admission stage made the following :

O R D E R

(Per Sri Justice M.H.S.Ansari)

Petitioner in the instant writ petition has questioned the attachment notice on the ground that the same is contrary to the interim orders dated 09.03.1993 passed in CMP No.20 of 1992 in CMP No.976 of 1993 in A.S.No.5 of 1992.

We are of the view that if the alleged impugned action of attachment is contrary to the interim orders passed by this Court in the aforesaid proceedings, it is open to the petitioner to make appropriate application in the aforesaid proceedings pending before the Court.

It is considered neither prudent nor proper for this Court in writ jurisdiction to deal with a matter, which is already subject of certain proceedings pending on the file of this Court.

Accordingly, we are not entertaining the instant writ petition and the same is dismissed at

admission stage with liberty to the petitioner to seek such appropriate remedy in the pending appeal, as the petitioner may be advised.

JUSTICE M.H.S.ANSARI

JUSTICE ELIPE DHARMA RAO

29th December, 2004

Note: Issue C.C. on priority basis.

(B/O) PGS

To

1. The Commissioner, Municipal Corporation, Visakhapatnam.

2. 2 CD copies.

THE HONOURABLE SRI JUSTICE

M.H.S.ANSARI

AND

THE HONOURABLE SRI JUSTICE

ELIPE DHARMA RAO

W.P.NO.24629 OF 2004

(Per Sri Justice M.H.S.Ansari)

29th December, 2004